

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

OAK FINANCIAL GROUP, INC.,

Plaintiff,

Civ. Action No.: 1:21-cv-03249-  
MKB-CLP

- v -

INFINITY Q DIVERSIFIED ALPHA FUND, TRUST  
FOR ADVISED PORTFOLIOS, INFINITY Q  
CAPITAL MANAGEMENT LLC, CHRISTOPHER  
E. KASHMERICK, JOHN C. CHRYSTAL, ALBERT  
J. DIULIO, S.J., HARRY E. RESIS, RUSSELL B.  
SIMON, STEVEN J. JENSEN, JAMES VELISSARIS,  
LEONARD POTTER, SCOTT LINDELL, QUASAR  
DISTRIBUTORS, LLC, EISNERAMPER LLP,  
BONDERMAN FAMILY LIMITED PARTNERSHIP,  
LP, and INFINITY Q MANAGEMENT EQUITY, LLC,

Defendants.

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**STIPULATION AND [PROPOSED] ORDER REGARDING  
TIME TO RESPOND TO COMPLAINT**

Plaintiff Oak Financial Group, Inc. (“Plaintiff”) and Defendants Trust for Advised Portfolios, Christopher E. Kashmerick, Russell B. Simon, Steven J. Jensen, Infinity Q Capital Management LLC, Leonard Potter, Bonderman Family Limited Partnership, LP, John C. Chrystal, Albert J. DiUllo, S.J., Harry E. Resis, James Velissaris, Infinity Q Management Equity, LLC, Scott Lindell, Quasar Distributors, LLC, and EisnerAmper LLP (collectively, “Defendants”), by and through their undersigned counsel, subject to this Court’s approval, agree and stipulate as follows:

**RECITALS**

WHEREAS, on June 8, 2021, Plaintiff filed a Complaint against the Defendants asserting claims under §§ 10(b) and 20(a) of the Securities Exchange Act of 1934, as amended, §§ 11,

12(a), and 15 of the Securities Act of 1933, as amended, and the common law of the State of New York (the “Complaint”);

WHEREAS, there is a putative class action pending in the Supreme Court of the State of New York, New York County entitled: *In re Infinity Q Diversified Alpha Fund Securities Litigation*, Index No. 651295/2021 (the “State Class Action”), which involves the same subject matter as the Complaint and contains overlapping claims and Defendants;

WHEREAS, the Defendants in the State Class Action have moved to dismiss the consolidated complaint in the State Class Action (the “Motions to Dismiss”);

WHEREAS, there is a putative class action pending in the United States District Court for the Eastern District of New York entitled: *Yang v. Trust for Advised Portfolios et al.*, Case No. 1:21-cv-01047-FB-MMH, which involves the same subject matter as the Complaint and contains overlapping claims and Defendants;

WHEREAS the parties agree that in the interests of efficiency and judicial economy, the time to respond to the Complaint in this action should be deferred until resolution of motions to dismiss in the State Class Action;

WHEREAS, the Defendants have each agreed to accept service of the Complaint subject to the terms and conditions of the stipulation below; and

WHEREAS, this is Defendants’ first request for an extension of time to answer, move against, or otherwise respond to the Complaint, and this extension will not affect any other scheduled dates.

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the attorneys for Plaintiff and the attorneys for the Defendants, as follows:

1. The undersigned counsel for the Defendants are authorized to accept, and hereby do accept, service of the Summons and the Complaint in the above-captioned action on behalf of each of the Defendants, without prejudice and without waiver of any defenses, objections, or arguments in this matter or any other matter, including without limitation any arguments regarding personal jurisdiction or venue, except as to sufficiency of service of process of the Summons and Complaint.

2. The time for the Defendants to answer, move, or otherwise respond to the Complaint is stayed pending the resolution of the Motions to Dismiss. Defendants' time to answer, move, or otherwise respond to the Complaint is hereby extended until sixty (60) days after a decision is rendered on the Motions to Dismiss.

3. The Defendants expressly reserve the right to make further application for an extension of the time to respond to the Complaint, and the parties agree to take into consideration future developments in the pending State Class Action and *Yang* action, as well as additional litigations that may be commenced, in determining whether to seek to amend this stipulated order.

4. The parties have not made any prior requests to extend the time to respond to the Complaint.

5. This Stipulation may be executed in counterparts, each of which shall be deemed to be an original and all of which taken together shall constitute one and the same Stipulation. A faxed or e-mailed copy of this Stipulation as executed shall have the same force and effect as the original.

Dated: New York, New York  
August 12, 2021

**ROSENFELD & KAPLAN, LLP**

By: /s/ Steven M. Kaplan  
Tab K. Rosenfeld  
Steven M. Kaplan  
1180 Avenue of the Americas, Suite 1920  
New York, NY 10036  
(212) 682-1400  
[tab@rosenfeldlaw.com](mailto:tab@rosenfeldlaw.com)  
[steve@rosenfeldlaw.com](mailto:steve@rosenfeldlaw.com)  
*Attorneys for Plaintiff Oak Financial  
Group, Inc.*

**MORGAN LEWIS & BOCKIUS LLP**

By: /s/ Susan F. DiCicco  
Susan F. DiCicco  
Matthew Ladd  
101 Park Avenue  
New York, NY 10178  
(212) 309-6640  
[susan.dicicco@morganlewis.com](mailto:susan.dicicco@morganlewis.com)  
[matthew.ladd@morganlewis.com](mailto:matthew.ladd@morganlewis.com)

Joseph E. Floren  
(*pro hac vice* application forthcoming)  
One Market, Street Tower  
San Francisco, CA 94105  
Tel: (415) 442-1000  
Fax: (415) 442-1001  
[joseph.floren@morganlewis.com](mailto:joseph.floren@morganlewis.com)

*Attorneys for Trust for Advised Portfolios,  
Christopher E. Kashmerick, Russell B. Simon,  
and Steven J. Jensen*

## **MILBANK LLP**

By: /s/ Sean M. Murphy  
Sean M. Murphy  
George S. Canellos  
Antonia M. Apps  
55 Hudson Yards  
New York, New York 10001  
(212) 530-5000  
[smurphy@milbank.com](mailto:smurphy@milbank.com)  
[gcanellos@milbank.com](mailto:gcanellos@milbank.com)  
[aapps@milbank.com](mailto:aapps@milbank.com)  
*Attorneys for Defendants Infinity Q Capital Management, LLC, Leonard Potter and and Bonderman Family Limited Partnership, LP*

## **DUANE MORRIS LLP**

By: /s/ Michael Cabin  
James J. Coster  
Michael Cabin  
230 Park Avenue  
New York, NY 10169  
818-9200  
[jjcoster@duanemorris.com](mailto:jjcoster@duanemorris.com)  
[macabin@duanemorris.com](mailto:macabin@duanemorris.com)  
*Attorneys for Defendants John C. Chrystal, Albert J. DiUllo, S.J., and Harry E. Resis*

## **GIBSON DUNN & CRUTCHER**

By: /s/ Robert F. Serio  
Robert F. Serio  
Reed M. Brodsky  
Karin S. Portlock  
Lauren Kobrick Myers  
200 Park Avenue 48th Floor  
New York, NY 10166  
(212) 351-4000  
[rbrodsky@gibsondunn.com](mailto:rbrodsky@gibsondunn.com)  
[rserio@gibsondunn.com](mailto:rserio@gibsondunn.com)  
[kportlock@gibsondunn.com](mailto:kportlock@gibsondunn.com)  
[lmyers@gibsondunn.com](mailto:lmyers@gibsondunn.com)  
*Attorneys for Defendants James Velissaris and Infinity Q Management Equity, LLC*

**PETRILLO KLEIN & BOXER LLP**

By: /s/ Joshua Klein  
Joshua Klein  
John Allen  
655 Third Avenue, 22nd Floor  
New York, New York 10017  
(212) 370-0330  
[jklein@pkblp.com](mailto:jklein@pkblp.com)  
[jallen@pkblp.com](mailto:jallen@pkblp.com)  
*Attorneys for Defendant Scott Lindell*

**MURPHY & McGONIGLE, P.C.**

By: /s/ James K. Goldfarb  
James K. Goldfarb  
1185 Avenue of the Americas, 21st fl.  
New York, New York 10036  
(212) 880-3999  
[jgoldfarb@mmlawus.com](mailto:jgoldfarb@mmlawus.com)  
*Attorneys for Defendant Quasar Distributors, LLC*

**FAEGRE DRINKER BIDDLE & REATH LLP**

By: /s/ Brian P. Morgan  
Brian P. Morgan  
1177 Avenue of the Americas, 41st Floor  
New York, NY 10036  
(212) 248-3272  
[brian.morgan@faegredrinker.com](mailto:brian.morgan@faegredrinker.com)  
*Attorneys for Defendant EisnerAmper LLP*

SO ORDERED:

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MARGO K. BRODIE, U.S.D.J.